

EXHIBIT 2

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Civil Action No. 20-cv-215

JIM BOGNET, *et al.*

Plaintiffs,

v.

KATHY BOOCKVAR, in her capacity as
Secretary of the Commonwealth of
Pennsylvania, *et al.*

Defendants.

DECLARATION OF NICOLE J. MOSS

My name is Nicole J. Moss. I am one of the attorneys representing the Plaintiffs in this matter. I am over the age of 18 and fully competent to make this declaration. In compliance with Fed. R. Civ. P. 65(b) and Rule III.C of the Practices and Procedures of Judge Gibson, I declare under the penalty of perjury the following based upon my personal knowledge:

1. I served a copy of the Complaint (D.E. 1) and a copy of Plaintiffs' Motion for a Preliminary Injunction and Temporary Restraining Order and Brief in Support before they were filed on October 22, 2020 to all counsel included in Plaintiffs' certificate of service via email with the exception of Butler County for whom I did not have an email address. The service email is attached hereto as Exhibit A.

2. I have a good faith basis to believe that the counsel we served represent the 68 defendants, which include the Secretary of the Commonwealth and Boards of Elections for the 67 counties of the Commonwealth.

3. I informed Defendants' counsel in the email serving the Complaint that we planned on filing a motion for a temporary restraining order and preliminary injunction expeditiously. As of this filing, none of the counsel contacted have consented to the relief we are seeking.

4. For the reasons stated in our complaint, motion for a temporary restraining order and preliminary injunction, and brief supporting that motion, Plaintiffs face the threat of immediate and irreparable harm without an order restraining and enjoining Defendants, their officers, agents, servants, employees, and attorneys, and other persons who are in concert or participation with them from accepting ballots that lack proof of being cast on or before November 3, 2020 or accepting ballots that arrive after the Receipt Deadline established by the General Assembly.

I affirm under penalties of perjury that the foregoing representations are true.

Executed on October 22, 2020.



Nicole J. Moss

EXHIBIT 2

EXHIBIT A

From: [Nicole Moss](#)
To: [daniel.donovan@kirkland.com](#); [hhopkirk@attorneygeneral.gov](#); [kromano@attorneygeneral.gov](#); [kneary@attorneygeneral.gov](#); [smoniak@attorneygeneral.gov](#); [nboland@attorneygeneral.gov](#); [caroline.darmody@kirkland.com](#); [dbrier@mbklaw.com](#); [dwalsh@mbklaw.com](#); [jaywin.malhi@kirkland.com](#); [jdempsey@mbklaw.com](#); [kkotula@pa.gov](#); [kennjoel@pa.gov](#); [kristen.bokhan@kirkland.com](#); [magiunta@pa.gov](#); [madelyn.morris@kirkland.com](#); [michael.glick@kirkland.com](#); [nkravitz@mbklaw.com](#); [sara.tatum@kirkland.com](#); [susan.davies@kirkland.com](#); [tgates@pa.gov](#); [mmudd@adamscounty.us](#); [aszefi@alleghenycounty.us](#); [aopsitnick@opsitnickslaw.com](#); [gianocsko@county.allegheeny.pa.us](#); [ssilverman@babstcalland.com](#); [adegory@babstcalland.com](#); [bdupuis@babstcalland.com](#); [mmeacham@babstcalland.com](#); [SKeegan@babstcalland.com](#); [nmorgan@beavercountypa.gov](#); [csteere@dmvlawfirm.com](#); [nkarn@eveyblack.com](#); [maronchick@hangley.com](#); [cmatthias@hangley.com](#); [jbh@hangley.com](#); [jikh@buckscounty.org](#); [mdh@hangley.com](#); [pvk@hangley.com](#); [rwiqul@hangley.com](#); [mkestermont@co.cambria.pa.us](#); [ggeiger@newmanwilliams.com](#); [cgabriel@cfwwg.com](#); [heather@bozovichlaw.com](#); [kbutton@shaferlaw.com](#); [k.brenneman@verizon.net](#); [jcurcillo@dauphinc.org](#); [rogerse@ballardspahr.com](#); [Fryman@ballardspahr.com](#); [wingfielde@ballardspahr.com](#); [williamskc@ballardspahr.com](#); [grugant@ballardspahr.com](#); [ttalarico@nwpalawyers.com](#); [anorfleet@laverylaw.com](#); [flavery@laverylaw.com](#); [sedwards@laverylaw.com](#); [rgrimm@co.greene.pa.us](#); [pmcmanamon@penn.com](#); [cjz@zwick-law.com](#); [gds@zwick-law.com](#); [jzmlawoffice@gmail.com](#); [chausner@co.lancaster.pa.us](#); [twleslie@twlpc.com](#); [tcaffrey@rcn.com](#); [sarahmurray@lehighcounty.org](#); [ljm@joycecarmony.com](#); [mjc@joycecarmony.com](#); [rmb@joycecarmony.com](#); [dsmith@mcclaw.com](#); [theclarkefirm@yahoo.com](#); [mcalder@montcopa.org](#); [eduddy@northamptoncounty.org](#); [zachary.strassburger@phila.gov](#); [tomshaffer@verizon.net](#); [mpbarbera@barberalaw.com](#); [krlaw@epix.net](#); [rlgawlas@rjglaw.com](#); [rschaub@rjglaw.com](#); [apage@mpvhlaw.com](#); [contact@theschmidtlawfirm.com](#); [rgrimm@swartzcampbell.com](#); [Jackpurcell146@gmail.com](#); [rjoyce@swartzcampbell.com](#); [regoli@regolilaw.com](#); [apuleo@yorkcountypa.gov](#); [nmorgan@beavercountypa.gov](#); [sslav@windstream.net](#); [Dcrabtree.klaw@comcast.net](#); [Jonathan.Jr@fosterslawfirm.com](#); [ewtompkinslaw@gmail.com](#); [dam@gmlawoffices.com](#); [lec@crwlaw.net](#); [ajm@mmklp.com](#); [martinw@co.delaware.pa.us](#); [info@mwbklaw.com](#); [rperhacs@eriecountypa.gov](#); [attorneys@sbglawoffice.com](#); [jerroldsulcove@blackanddavis.com](#); [dsslaw@dsslawyers.com](#); [mtb@bwlaw120.com](#); [RuggieroF@lackawannacounty.org](#); [warner@buzgondavis.com](#); [Romilda.Crocamo@luzernecounty.org](#); [wimpc@verizon.net](#); [info@mmdplaw.com](#); [john@matergiadunn.com](#); [fwgarigan@gmail.com](#); [wrb@pa.net](#); [Marcel.pratt@phila.gov](#); [cweed@kfblawoffice.com](#); [groth@co.schuylkill.pa.us](#); [clawoff@hotmail.com](#); [fxoconnor@frontiernet.net](#); [jdewald@mpvhlaw.com](#); [rwinkler@zoominternet.net](#); [wkay@waynecountypa.gov](#); [solicitor@co.westmoreland.pa.us](#); [chobbs@lthlawfirm.com](#); [sfera@cfwwg.com](#)
Cc: [David Thompson](#); [Pete Patterson](#); [Nicholas Varone](#); [John Tienken](#); [bking@kingquiddylaw.com](#)
Subject: Re: Bognet, et. al. v. Boockvar, et. al. -- No. 3:20-cv-215 (W.D.P.A.) -- Complaint and TRO
Date: Thursday, October 22, 2020 2:40:00 PM
Attachments: [TRO Brief in Support vf combined\[1\].pdf](#)
[TRO Cover Motion vf combined\[2\].pdf](#)

Dear Counsel:

As indicated previously, attached hereto is a copy of the TRO/PI motion and brief in support that we intend to file momentarily with the Court. Again, if you no longer represent the Defendants as indicated in the attached Certificate of Service, I would appreciate your letting me know and informing me of who does.

Thank you,

Nicole Jo Moss
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From: Nicole Moss <nmosse@cooperkirk.com>

Date: Thursday, October 22, 2020 at 12:54 PM

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Subject: Bognet, et. al. v. Boockvar, et. al. -- No. 3:20-cv-215 (W.D.P.A.) -- Complaint and TRO

Dear Counsel:

Attached hereto please find a copy of a Complaint that we filed this morning in the W.D.P.A. We plan to file a TRO and a Motion for Preliminary Injunction within the next hour. I will provide you by email a copy of those documents before they are filed. You are being served because you are either your County's Solicitor and/or you appeared in a prior election-related lawsuit representing the named-Defendants in this litigation. If you are not representing any of these Defendants any longer, I would appreciate your letting me know and we can remove you from further service of any filings. And please let me know if you are aware of who is currently representing any Defendant you previously represented so I can be sure they have been provided notice of this emergency filing.

We assume that you not agree to the relief we are requesting, but if that is incorrect please let me know and I will make sure to represent your position to the Court.

Best,

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